

City Council Agenda

Council President
Clinton J. Olivier

Councilmembers

Oliver L. Baines III
Andreas Borgeas
Lee Brand

Sal Quintero
Larry Westerlund
Blong Xiong – Acting President

City Manager
Mark Scott

City Clerk
Yvonne Spence, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

March 22, 2012

8:30 A.M. ROLL CALL

Invocation by Tom Sims of the Baptist Temple

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation from the Fresno-Kochi Sister Cities Committee – Councilmember Xiong – **Presentation made**

Presentation by The Fresno Chamber on their "[Small Business Bill of Rights](#)" – Council President Olivier - **Presented**

Proclamation of "[NATIONAL SAFE PLACE WEEK](#)" – Councilmember Baines – **Read and presented**

Proclamation of "10th ANNIVERSARY OF WEST FRESNO HEALTH CARE COALITION INC." – Mayor's Office **Read and presented**

Proclamations of "EDDIE CABRAL, ERIC VELARDE AND RONNIE WATTS DAY" – Councilmember Quintero – **Read and presented**

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of [March 8, 2012](#)

Action Taken: Approved

Councilmember Reports and Comments

Action Taken: Made

Approve Agenda

Action Taken: Approved, as amended

Adopt Consent Calendar

Action Taken: Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. * **RESOLUTION** - 58th amendment to the Annual Appropriation Resolution (AAR) No. 2011-133 appropriating a \$25,000 contribution from the Bethel & Moore Foundations in the Parks, After School, Recreation and Community Services Department to continue the Community Science program at Granny's Center *(Property located in District 7) (Requires 5 affirmative votes)* – PARCS
Action Taken: Resolution No. 2012-38 adopted
- B. * **RESOLUTION** - 59th amendment to the Annual Appropriation Resolution (AAR) No. 2011-133 appropriating \$304,400 for the replacement of stolen copper wire *(Requires 5 affirmative votes)* – Public Works Department
Action Taken: Resolution No. 2012-48 adopted
- C. * **RESOLUTION** - 45th amendment to the Annual Appropriations Resolution (AAR) No. 2011-133 appropriating \$14,500 in developer contributions for the acquisition of right-of-way for Tract 5352 *(Property located south of Shaw Avenue and west of Bryan Avenue in District 1) (Requires 5 affirmative votes)* – Public Works Department
Action Taken: Resolution No. 2012-39 adopted

1. **CONSENT CALENDAR CONTINUED**

- D. Approve application for and acceptance of grant award for \$165,000 from the U.S. Department of Homeland Security Assistance to Firefighters Grant Program and authorize the Fire Chief to complete all required documents – Fire Department

Action Taken: Approved

1. **RESOLUTION** - Authorizing the application for and acceptance of fiscal year 2011 Cycle U.S. Department of Homeland Security Assistance to Firefighters Grant Program and authorizing completion of documents

Action Taken: Resolution No. 2012-40 adopted

2. * **RESOLUTION** – 53rd amendment to the Annual Appropriation Resolution (AAR) No. 2011-133, appropriating \$132,000 from the U.S. Department of Homeland Security Assistance to Firefighters Grant Program to the Fire Department to provide personal protective equipment (***Requires 5 affirmative votes***)

Action Taken: Resolution No. 2012-41 adopted

- E. Approve application for and acceptance of grant award for \$101,120 from the U.S. Department of Homeland Security Assistance to Firefighters Grant Program and authorize the Fire Chief to complete all required documents – Fire Department

Action Taken: Approved

1. **RESOLUTION** - Authorizing the application for and acceptance of fiscal year 2011 Cycle U.S. Department of Homeland Security Assistance to Firefighters Grant Program and authorizing completion of documents

Action Taken: Resolution No. 2012-42 adopted

2. * **RESOLUTION** – 54th amendment to the Annual Appropriation Resolution (AAR) No. 2011-133, appropriating \$80,900 from the U.S. Department of Homeland Security Assistance to Firefighters Grant Program to the Fire Department to provide in-mask radio communications equipment (***Requires 5 affirmative votes***)

Action Taken: Resolution No. 2012-43 adopted

- F. Approve application for and acceptance of grant award for \$273,300 from the Metropolitan Medical Response System Grant Program, through the County of Fresno, and authorize the Fire Chief to complete all required documents – Fire Department

Action Taken: Approved

1. **RESOLUTION** - Authorizing the application for and acceptance of fiscal year 2011 Cycle U.S. Department of Homeland Security/Office of Domestic Preparedness “Metropolitan Medical Response System” Grant Program Funding, through the County of Fresno, and authorizing completion of documents

Action Taken: Resolution No. 2012-44 adopted

2. * **RESOLUTION** - 52nd amendment to the Annual Appropriation Resolution (AAR) No. 2011-133, appropriating \$273,300 from the Metropolitan Medical Response System Grant to the Fire Department to provide training, equipment, medical supplies, and continuing program oversight (***Requires 5 affirmative votes***)

Action Taken: Resolution No. 2012-45 adopted

- G. Approve application for and acceptance of grant award for \$198,700 from the State Homeland Security Grant Program, through the County of Fresno, and authorize the Fire Chief to complete all required documents – Fire Department

Action Taken: Approved

1. **RESOLUTION** - Authorizing the application for and acceptance of fiscal year 2011 Cycle U.S. Department of Homeland Security/Office of Domestic Preparedness “State Homeland Security Grant Program” funding, through the County of Fresno, and authorizing completion of documents

Action Taken: Resolution No. 2012-46 adopted

2. * **RESOLUTION** – 51st amendment to the Annual Appropriation Resolution (AAR) No. 2011-133, appropriating \$198,700 from the State Homeland Security Grant Program to the Fire Department to provide training and equipment (***Requires 5 affirmative votes***)

Action Taken: Resolution No. 2012-47 adopted

1. **CONSENT CALENDAR CONTINUED**

- H. Approve the filing of Notice of Intent to adopt Mitigated Negative Declaration EA-11-008, by the City of Fresno, for the widening and placement of associated frontage improvements along the south side of Nees Avenue and the west side of Willow Avenue at the southwest corner of the intersection of Nees and Willow Avenues (*Property located in the County of Fresno*) - Public Works Department
Action Taken: Removed from the agenda
1. Approve acquisition of one (1) public street easement from a portion of one (1) parcel of property owned by Kyle and Kristin Kircher in the amount of \$103,000 for widening and placement of associated frontage improvements along the south side of Nees Avenue and the west side of Willow Avenue at the southwest corner of the intersection of Nees and Willow Avenues (*Property located in the County of Fresno*)
- I. Approve the filing of Notice of Intent to adopt Mitigated Negative Declaration EA-11-008, by the City of Fresno, for the widening and placement of associated frontage improvements along the south side of Nees Avenue and the west side of Willow Avenue at the southwest corner of the intersection of Nees and Willow Avenues (*Property located in the County of Fresno*) - Public Works Department
Action Taken: Removed from the agenda
1. Approve acquisition of one (1) public street easement from a portion of one (1) parcel of property owned by Donald L. Lacefield and Kimberly A. Lacefield Family Trust, in the amount of \$89,000 for widening and placement of associated frontage improvements along the south side of Nees Avenue and the west side of Willow Avenue at the southwest corner of the intersection of Nees and Willow Avenues (*Property located in the County of Fresno*)

CONTESTED CONSENT CALENDAR

9:00 A.M. **GENERAL ADMINISTRATION**

- A. * **RESOLUTION** - 509th amendment to Master Fee Schedule (MFS) Resolution No. 80-420 increasing green fees at Riverside Golf Course in the Parks Section (*Property located in District 2*) - PARCS
Action Taken: Laid over one week
- B. **RESOLUTION** - Declaring an urgent necessity for the preservation of life, health or property, waiving competitive procurement requirements, and authorizing the Director of Aviation to negotiate a contract with Teichert Construction, located in Fresno, California for the repair of Taxiway C at Fresno Yosemite International Airport in an amount not to exceed \$250,000 (*Requires 5 affirmative votes*) – Airports Department
Action Taken: Resolution No. 2012-49 adopted

9:15 A.M.#1 **CITY COUNCIL**

9:15 A.M.#2 **JOINT MEETING WITH THE SUCCESSOR HOUSING AGENCY FOR THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND THE FRESNO REVITALIZATION CORPORATION**

- A. Approve a Purchase Option Agreement (POA) between the Successor Housing Agency to the Redevelopment Agency of the City of Fresno (the "Agency") and AMCAL Multi-Housing, Inc. a California Corporation (the "Developer"), for a 0.29 acre parcel at 3702 E. Ventura (470-052-01T) to convey the property and facilitate the development of 95 mixed use affordable senior apartments and one (1) manager's unit, in the Southeast Fresno Revitalization Project Area
Action Taken: Approved
- B. JOINT **RESOLUTION** - Authorizing investment of monies in the Local Agency Investment Fund
Action Taken: Resolution Nos. SA-2/FRC-3 adopted

ADJOURN

SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M. **CONTINUED HEARING** to consider the formation of a Special Tax District (Community Facilities District No. 16) for the maintenance of certain public improvements associated with the Universally Accessible Park (*Property located in District 1*) – Public Works Department

Action Taken: **Held**

a. **RESOLUTION** – Of formation establishing a Special Tax District (Community Facilities District No. 16) for the maintenance of certain public improvements associated with the Universally Accessible Park, determining the validity of prior proceedings, and taking related actions

Action Taken: **Resolution No. 2012-50 adopted**

b. **RESOLUTION** – Calling special mailed ballot election and setting 5/21/2012 as the election day

Action Taken: **Resolution No. 2012-51 adopted**

10:15 A.M. **CLOSED SESSION**

A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** Dennis Garrett v. City of Fresno

2. **Case Name:** La-Kebbia Wilson v. City of Fresno United States Eastern District Case No. 09-CV-00887-LJO -SKO

Action Taken: **Held**

1:30 P.M. **Fiscal Sustainability Policy and Budget Update** - Mayor and City Manager's Offices

Action Taken: **Presentation made**

5:00 P.M. **HEARING** to consideration of an appeal of Conditional Use Permit Application No. C-11-028 and Environmental Finding for Environmental Assessment No. C-11-028, southwest corner of California Avenue and Martin Luther King, Jr. Boulevard (*Property located in District 3*) – Development and Resource Management Department

Action Taken: **Held; appeal upheld/ CUP denied without prejudice/resolution of findings back in one week**

a. Adopt the Finding of a Categorical Exemption for Environmental Assessment No. C-11-028 issued May 31, 2011

Action Taken: **Not adopted**

b. **RESOLUTION** - To deny the appeal and uphold the Planning Commission's action approving Conditional Use Permit Application No. C-11-028 for an up-grade of a State of California Alcoholic Beverage Control Type 20 license (*off-sale beer & wine*) to a Type 21 (*off-sale liquor, beer, & wine*) ABC License, subject to the following condition:

- Development shall comply with the Development & Resource Management Department's revised conditions of approval dated March 22, 2012

Action Taken: **Not adopted**

PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT TIMED AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

1. Appearance by Ronald Hollinger to express concern and request the City Council take action regarding prohibiting stores from selling drug paraphernalia in the presence of children – **Appearance made**

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Mar	28 – (Weds)	2:00 P.M	Presentation of Employee Service Awards – <i>(Reception immediately following – 2nd floor foyer)</i>
Apr.	5 -	10:00 A.M	HEARING for the Adoption of a Resolution of Public Use and Necessity –Burrow, Nella and Burrow
Apr.	12 -		NO MEETING – EASTER BREAK
Apr.	19 -	1:00 P.M	MEETING
Apr.	26 –	10:15 A.M.	HEARING re: Plan Amendment No. A-11-14 and Rezone Application No. R-11-020, filed by Derrel’s Mini Storage
May	3 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates for the Spring Quarter (Reception immediately following – 2 nd floor foyer)
May	24 -	10:00 A.M.	HEARING re: City of Fresno Community Facilities District No. 16 and to authorize the levy of special taxes for the maintenance of certain public improvements associated with the Universally Accessible Park <i>(Property located in District 1)</i>